

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

USI INTERNATIONAL, INC.,

Plaintiff,

v.

FESTO DIDACTIC, INC.,

Defendant.

Civil Action No. 15-8451 (MAS) (TJB)


ORDER

This matter comes before the Court on Defendant Festo Didactic, Inc.'s ("Defendant" or "FDI") motion to dismiss the Second, Third, and Fourth claims in Plaintiff USI International, Inc.'s ("Plaintiff") Complaint. (ECF No. 7.) Plaintiff filed an opposition (ECF No. 10), and Defendant replied (ECF No. 11). The Court has carefully considered the parties' submissions and decides the matter without oral argument pursuant to Local Civil Rule 78.1. For the reasons stated in the accompanying Memorandum Opinion, and other good cause shown,

IT IS, on this 23rd day of August 2016, **ORDERED** that:

1. Defendant's Motion to Dismiss (ECF No. 7) is granted in part and denied in part;
2. Defendant's Motion to Dismiss (ECF No. 7) is GRANTED with respect to the Second and Fourth Counts of the Complaint;
 - a. The Second Count of Plaintiff's Complaint for Breach of the Implied Covenant of Good Faith and Fair Dealing is DISMISSED without prejudice;
 - b. The Fourth Count of Plaintiff's Complaint for Fraudulent Inducement is DISMISSED without prejudice; and

3. Defendant's Motion to Dismiss (ECF No. 7) is DENIED with respect to the Third Count of the Complaint.



MICHAEL A. SHIPP
UNITED STATES DISTRICT JUDGE